

REMARKS / ARGUMENTS

1. Response to 10/01/2009 Non-Final Office Action

For the convenience of the Examiner and clarity of purpose, Assignee has reprinted the substance of the Office Action in **9-point bolded and italicized font**. Assignee's arguments immediately follow in regular font.

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 6, 8, 10-12, 16 and 17, drawn to time and frequency domain flow measurements.

Group II, claim(s) 2, 16 and 19, drawn to measuring instantaneous pump power or current.

Group III, claim(s) 3-5 and 16, drawn to resting heart rate and exercise.

Group IV, claim(s) 7, 15 and 16, drawn to control having constant flow, amplitude and speed.

Group V, claim(s) 9 and 16, drawn to unloading.

Group VI, claim(s) 13 and 14, drawn to diastolic flow.

Group VII, claim(s) 18, drawn to dQ/dn .

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: each method requires a different feedback parameter for flow control, making the groups independent.

Assignee hereby elects group 1, claims 1, 6, 8, 10-12, 16, and 17. Therefore, claims 2-5, 7, 9, 13-15, 18, and 19 have been withdrawn. Claim 16 has been amended to correct a dependency issue resulting from this election.

Assignee submits that each claim presented herein is patentable. A timely notice of allowance is respectfully requested.

Appl. No. 10/560,289
Amdt. Dated October 30, 2009
Reply to Office Action of October 1, 2009

Assignee thanks the Examiner for his/her consideration and effort on this file. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned.

Respectfully submitted,

LOCKE LORD BISSELL & LIDDELL LLP

By /David L. Terrell/
David L. Terrell
Reg. No. 50576
Tel.: (713) 226-1495
dterrell@lockelord.com